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FITCH, EVEN, TABIN & FLANNERY P. O. BOX 18415 WASHINGTON, DC 20036				MUROMOTO JR, ROBERT H
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/539,293

Filing Date: June 16, 2005

Appellant(s): BRUSKE ET AL.

Norm Kunitz
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/13/2009 appealing from the Office action mailed 4/11/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

3,071,164

Nussbaum

1-1963

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-9 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Nussbaum US 3071164.

Nussbaum discloses, a slideless (play free) heddle frame.

The heddle rail 1a is clearly composed of two opposing members (Jibs, spring legs) 1a (upper and lower). The opposing members both have heddle receiving portions.

Nussbaum discloses that both opposing members can be attached to the frame by spring members or that only one of the opposing members is attached to the frame by spring while the other is rigidly attached.

In operation the opposing members are ‘tensed away from one another’ for play free heddle support and conversely they are pushed towards each other to release the heddles for adjustment or removal (compression spring).

Also, Nussbaum recites, " Provided at the lower end of the support rod part are longitudinal slots 1b engageable by suitable hooks 15a of a rail 15. In the present instance, this is shown on a rail with double hook 16. The slot 1b is somewhat longer than the hook 15a and the latter has a nose 15b which is capable of gripping behind the corresponding part of the support rod 1, 1a. In FIG. 1 1, the rail 15 with the

hooks 15a is hung in transverse direction into the slbts lb. To secure this position, the rail 15 is mo-ved somewhat to the left until the nose 15b grips behind the part 1a (FIG. 12). This is the working position of the rail 2, into which the heddles are hung. To remove the rail 15 together with the heddles assembled thereon, in the illustration the rails are pushed somewhat to the right (FIGS. 11 and 12) so that the hook 15b no longer hinders the rail 1S from being transversely removed with the heddles." Clearly disclosing the rails being resilient, spring members that are tensed away or together to fit into a heddle end.

Figures clearly show the heddle receiving areas of the opposing members as C-shaped and or U-shaped with one longer leg, as claimed.

Figure 1 clearly shows four coupling points for the harness frame on the four corners of the frame (spaced transverse to direction of movement) to which harness is inherently 'drivingly coupled' to the weaving machine.

Newly added amendments do not overcome prior rejections as the rails shown do 'receive one or more heddles by extending into a single end eyelet of each heddle'.

(10) Response to Argument

Arguments presented are not correct. As all claim limitations are clearly disclosed above as in the previous rejections.

Figure 10 clearly shows a 'heddle support rail' 16; recited as resiliently supported on both ends or by a stationary end and a movable, i.e. resilient end; clearly receiving 'one or more heddles by extending into a single end eyelet of each heddle'; The rail 16 is a double hook rail which are recited as tensed away and toward each other for fitting

heddle(s), therefore within the scope of the term “resilient spring legs pointing away from each other”.

Since these are the same arguments presented for each independent claim the rejection is considered to be proper.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Robert H Muromoto, Jr./

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/Gary L. Welch/

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